**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DataTreasury Corporation	§	
	§	
Plaintiff	§	
	§	
v.	§	**Civil Action No. 2:06-CV72DF**
	§	
Wells Fargo & Company, et al.	§	
	§	
Defendants	§	

**NOTICE OF ACCEPTANCE OF STIPULATION BY
HSBC NORTH AMERICA HOLDINGS INC. AND HSBC BANK USA, N.A.**

The Court, having considered the parties' briefing and oral argument, ordered (Docket No. 411) a stay of proceedings related to the "Ballard Patents" in this case (U.S. Patent Nos. 5,910,988 and 6,032,137) in light of developments in the *ex parte* reexaminations initiated by First Data Corporation (hereafter "petitioner") (Reexamination Control Nos. 90/007829, 90/007830). As a required condition of the Court's stay, the Defendants, HSBC North America Holdings Inc., subject to its Rule 12 Motion to Dismiss, and HSBC Bank USA, N.A., hereby notify the Court that they accept the following stipulation and the concomitant stay of all proceedings:

> As a condition of the stay, Defendant may not argue invalidity at trial based on one or more prior art printed publications that were submitted by the petitioner in the reexamination proceedings. However, Defendant will be permitted to rely for obviousness on the combination of printed publication reference that was submitted by petitioner in the reexamination with prior art that was not submitted.

Dockets.Justia.com

Respectfully submitted,

Boudreaux, Leonard, Hammond & Curcio, P.C.

By: /s/ Glen M. Boudreaux

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who have consented to electronic service, Local Rule CV-5(a)(3)(A), on this the 23rd day of January, 2007.

/s/ Glen M. Boudreaux
Glen M. Boudreaux